

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

CLIFFORD SIEBER and RONALD SIEBER,

Plaintiffs,

v.

**THEODORE S. BAKER, AS TRUSTEE OF
THE MADELINE S. BAKER TRUST, and
LINDA M. BAXTER,**

Defendants.

2007-CV-0058

**TO: Scot F. McChain, Esq.
Andrew C. Simpson, Esq.
Richard H. Hunter, Esq.**

**ORDER REGARDING PLAINTIFFS' EMERGENCY MOTION FOR PROTECTIVE
ORDER AND MOTION FOR SANCTIONS**

THIS MATTER is before the Court upon Plaintiff's Emergency Motion for Protective Order (Docket No. 53) and Motion For Sanctions (Docket No. 54). Defendants filed responses to said motions. A hearing was held on January 2, 2008. Scot F. McChain, Esq., represented Plaintiffs. Rachelle Shocklee, Esq., appeared on behalf of Defendant Theodore S. Baker, as Trustee of the Madeline S. Baker Trust; and Richard H. Hunter, Esq., appeared on behalf of Defendant Linda M. Baxter.

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Plaintiffs' motion for sanctions is based upon their claim that Defendants issued a unilateral notices of depositions. Plaintiffs' emergency motion for protective order seeks to cancel or postpone the depositions of Plaintiffs noticed for January 7, 2008.

Having reviewed the submissions of the parties and heard the arguments of counsel, the Court finds that sanctions are not warranted based upon the Court's finding that Plaintiffs failed to cooperate to schedule a date for their depositions within the time-frame as ordered by the Court. While the Court desires to expedite the completion of discovery in this matter, it also recognizes the difficulty in maintaining the January 7, 2008, deposition schedule. Accordingly, the Court will extend the deadline for the taking of Plaintiffs' depositions to January 31, 2008.

WHEREFORE, it is now hereby **ORDERED**:

1. Plaintiffs' Emergency Motion For Protective Order (Docket No. 53) is **GRANTED IN PART AND DENIED IN PART**.
2. The depositions of Plaintiffs noticed for January 7, 2008, are **CANCELED as noticed**.
3. Paragraph numbered four of the Court's Order Granting Defendants' Motions For Sanctions (Docket No. 45) is **AMENDED** as follows:

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Defendants may re-notice the depositions of Plaintiffs for a date, time, and location acceptable to all parties. Such depositions shall be completed on or before **January 31, 2008**.

4. The parties shall meet and confer by **Friday, January 4, 2008**, regarding the date of the depositions. In the event the parties are unable to agree, they shall notify the Court of such impasse on or before **Monday, January 7, 2008**, and the Court shall select and order a date certain.
5. Plaintiffs' Motion For Sanctions (Docket No. 54) is **DENIED**.

ENTER:

Dated: January 2, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE